

Part #14  
5/24/02

PATENT

Attorney Docket No.: 085765-000000US  
F5-99984361/AR0011US

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

On April 30, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Kathryn A. DeGhantoni

COPY OF PAPERS  
ORIGINALLY FILED



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
  
    **MAKOTO YAMAMORI**  
  
Application No.: 09/325,819  
  
Filed: June 4, 1999  
  
For: **HIGH AMYLOSE WHEAT  
STARCH AND WHEAT CONTAINING  
THE SAME**

Examiner:     Grunberg, A.  
  
Art Unit:     1661

DECLARATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Peter K. Seperack do hereby declare and state that:

1.     Samples of 2500 seeds from line H12-114 of SGP-1 null wheat disclosed in the present Application were deposited on March 27, 2002 with the International Depository Authority (IPOD) National Institute of Advanced Industrial Science and Technology, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, 305-8566 Japan, where the deposits were granted the accession number FERM BP-7982. The deposit was made pursuant to the provisions of the Budapest Treaty. A copy of the IPOD receipt of the deposit thereof are attached as Exhibit A.

2. All restrictions on the availability to the public of the deposited seed identified in Paragraph 1 will be irrevocably removed upon the granting of a patent for the above-identified Application.

3. The seed identified in Paragraph 1 above will be maintained at the IPOD and replaced in the event of mutation, nonviability or destruction for a period of at least five (5) years after the most recent request for release of a sample received by the IPOD, for a period of at least thirty (30) years after the date of the deposit, or during the enforceable life of the related patent, whichever period is longest.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

April 29, 2002  
Date

Peter Seperack  
Peter Seperack  
Reg. No. 47,932

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
PKS:kad  
SF 1341232 v1

特許手続上の微生物の寄託の国際的承認  
に関するブダペスト条約

下記国際寄託当局によって規則7.1に従い  
発行される。

### 原寄託についての受託証

氏名 (名称)

独立行政法人 農業生物資源研究所  
理事長 桂 直樹

寄託者

あ て 名 十

茨城県つくば市観音台2-1-2

殿

BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSES OF  
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL  
DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this  
page.

#### 1. 微生物の表示

(寄託者が付した識別のための表示)  
高アミロース小麦 H12-114

(受託番号)  
FERM BP- 7982

#### 2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文書が添付されていた。

- ☒ 科学的性質
- ☒ 分類学上の位置

#### 3. 受領及び受託

本国際寄託当局は、平成14年 3月27日(原寄託日)に受領した1欄の微生物を受託する。

#### 4. 移管請求の受領

本国際寄託当局は、  
年 月 日(原寄託日)に1欄の微生物を受領した。  
そして、  
年 月 日に原寄託よりブダペスト条約に基づく寄託への移管請求を受領した。

#### 5. 国際寄託当局

独立行政法人産業技術総合研究所 特許生物寄託センター

名称: International Patent Organisation  
National Institute of Advanced Industrial Science and Technology

センター長 小松 泰彦

Dr. Yasuhiko Komatsu

あて名: 日本国茨城県つくば市東1丁目1番地1 中央第6 (郵便番号 305-8566)  
AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi,  
Ibaraki-ken 305-8566 Japan

平成14年(2002) 3月27日

**INTERNATIONAL FORM**  
(Translation)

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION  
OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES  
OF PATENT PROCEDURES**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT**

issued pursuant to Rule 7.1 by  
the INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page.

To: (Depositor)

Name: Naoki KATSURA, Director,

National Institute of Agrobiological Sciences

Address: 1-2, Kan'non-dai 2-Chome, Tsukuba-shi, Ibaraki-ken

<b>1. Identification of Microorganism</b>	
Identification reference by depositor High amylose wheat H12-114	Accession No. FERM BP-7982
<b>2. Scientific Description and taxonomic description:</b>	
The deposit was accompanied by the following: (x) a scientific description (x) a taxonomic description.	
<b>3. Receipt and Acceptance:</b>	
The deposit identified in item 1, received on <u>the 27th of March, 2002</u> (date of the original deposit), by this International Depository Authority, has been accepted.	
<b>4. Receipt of Request for Conversion</b>	
The deposit identified in item 1, received on <u>the      of      ,     </u> (date of the original deposit), by this International Depository Authority, has been accepted.	
Further, said deposit received on <u>the      of      ,     </u> , by this International Depository Authority, has been accepted for the conversion from an original deposit to a deposit defined under the Budapest Treaty.	
<b>5. International Depository Authority</b>	
Name: International Patent Organism Depository National Institute of Advanced Industrial Science and Technology	
Dr. Yasuhiko, KOMATSU, Director, (Seal)	
Address: AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, 305-8566 Japan	
Date: the 27th of March, 2002	